

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

Case No. 1:18-cv-00950-LO-JFA

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

DECLARATION OF LYNNE J. WEBER, Ph.D.

1. My name is Lynne J. Weber.
2. I am a Managing Director in the Silicon Valley office of Duff & Phelps.
3. My educational and professional background and experience are summarized on the Curriculum Vitae attached to this declaration as Exhibit A.
4. I previously submitted an expert report in this matter on May 15, 2019.
5. I have been retained by counsel for defendants Cox Communications, Inc., and Coxcom, LLC to perform certain calculations on spreadsheets produced during discovery in this matter.

6. The spreadsheets in question are as follows:

- a. **MM000236 (the '236 Spreadsheet).** The '236 Spreadsheet is an Excel spreadsheet. I am informed by counsel that it is supposed to contain [REDACTED]

I am further informed by counsel that the files listed in the '236 Spreadsheet are supposed to have been matched by a company called Audible Magic to the digital fingerprint of an authenticated copy of one of the works whose alleged

infringement is at issue in this matter.

- b. **Plaintiffs_00281431 (the ‘431 Spreadsheet).** The ‘431 Spreadsheet is an Excel spreadsheet. Using the features of Excel, I have determined that it [REDACTED]
- c. **Plaintiffs_00281430 (the ‘430 Spreadsheet).** The ‘430 Spreadsheet is a text file that has been reformatted as an Excel spreadsheet. I am informed by counsel that it is supposed to contain listing of [REDACTED]
- d. **PX 39.** PX39 is a multi-terabyte hard drive containing audio files. The audio files are organized in folders.
- e. **Plaintiffs_00281432 (the ‘432 Spreadsheet).** The ‘432 Spreadsheet is an Excel spreadsheet. I am informed by counsel that it is supposed to contain a [REDACTED]

7. I have been asked to use the features available in Excel to answer the following questions:

- a. Of the downloaded files that are the subject of the entries (rows) in the ‘431 Spreadsheet (the “‘431 Files”), [REDACTED]
[REDACTED] See attached Exhibit, B.1.
- b. Of the downloaded files that are the subject of an entry (row) in the ‘236 Spreadsheet (the “‘236 Files”), [REDACTED]
[REDACTED] See attached Exhibit, B.2.
- c. Of the ‘236 Files with [REDACTED]
[REDACTED] See attached Exhibit, B.2.
- d. Of the ‘236 Files with a [REDACTED]

[REDACTED] indicating that a notice concerning that file was allegedly sent to Cox? See attached Exhibit, B.3.

8. Duff & Phelps personnel acting at my direction and under my supervision determined that the answers to these questions are as follows:

a. [REDACTED]

[REDACTED] See attached Exhibit B.1.

b. [REDACTED]

[REDACTED] See attached Exhibit B.2.

c. [REDACTED]

[REDACTED] for a notice that was sent during the timeframe February 1, 2013 to November 26, 2014, which I understand is the claims period for this case. See Exhibit B.3.

9. If called upon, I could testify to the foregoing from my own personal knowledge.
10. I swear under penalty of perjury that the information I have provided in this

¹ Calculated from the results in Exhibit B.1 [REDACTED]

declaration is true and accurate to the best of my knowledge, information and belief.



Lynne J. Weber, Ph.D.

Dated: September 20, 2019